

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CENTRAL FLYWAY AIR, INC., a
Canadian corporation, JON BOYCHUK, an
individual, KRYSTLE BOYCHUK, and
GREY GHOST GEAR OF CANADA, an
Alberta Canada corporation,

Plaintiffs,

v.

GREY GHOST LLC, an Idaho corporation
with operations in Washington state, GREY
GHOST GEAR LLC, an Idaho corporation
with operations in Washington state,
CASEY INGELS, an individual,

Defendants.

CASE NO. 20-5506 RJB - MAT

ORDER ON DEFENDANTS GREY
GHOST LLC AND GREY GHOST
GEAR LLC'S MOTION TO
DISMISS COMPLAINT

This matter comes before the Court on Grey Ghost LLC and Grey Ghost Gear LLC's Motion to Dismiss Complaint. Dkt. 9. The Court has considered the pleadings filed in support of and in opposition to the motion and the file herein.

This matter arises from a business venture in Canada known as Grey Ghost Gear of Canada, Ltd. Dkt. 1. Now pending is two of the Defendants' Motion to Dismiss. Dkt. 9.

1 The moving Defendants argue that the Complaint fails to state a claim against them for
 2 breach of contract and unjust enrichment and lacks any basis for injunctive relief. Dkt. 9. The
 3 Plaintiffs respond and do not oppose the motion. Dkt. 14. They explain that “it is likely that
 4 overlapping edits in multiple drafts resulted in the incorrect identification of certain defendants
 5 in a number of places.” *Id.* They seek leave to amend their complaint to clarify their claims. *Id.*

6 **Standard.** Fed. R. Civ. P. 12(b) motions to dismiss may be based on either the lack of a
 7 cognizable legal theory or the absence of sufficient facts alleged under a cognizable legal theory.
 8 *Balistreri v. Pacifica Police Department*, 901 F.2d 696, 699 (9th Cir. 1990). Material allegations
 9 are taken as admitted and the complaint is construed in the plaintiff’s favor. *Keniston v. Roberts*,
 10 717 F.2d 1295 (9th Cir. 1983). “Dismissal without leave to amend is improper unless it is clear,
 11 upon de novo review, that the complaint could not be saved by any amendment.” *Moss v. U.S.*
 12 *Secret Serv.*, 572 F.3d 962, 972 (9th Cir. 2009).

13 **Motion.** The Defendants’ motion (Dkt. 9) should be granted and the Complaint
 14 dismissed without prejudice. The Plaintiffs should be given leave to file an amended complaint,
 15 if they wish. The Plaintiffs’ amended complaint, if any, should be filed within 15 days of this
 16 order. **IT IS SO ORDERED.**

17 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
 18 to any party appearing *pro se* at said party’s last known address.

19 Dated this 25th day of August, 2020.

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21 ROBERT J. BRYAN
 22 United States District Judge
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